

1 JOSEPH P. RUSSONIELLO (CABN 44332)  
2 United States Attorney

3 BRIAN J. STRETCH (CABN 163973)  
4 Chief, Criminal Division

5 CHRISTINA HUA (CABN 185358)  
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055  
8 San Francisco, California 94102  
9 Telephone: (415) 436-7534  
10 FAX: (415) 436-7234

11 Attorneys for the United States

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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

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17 UNITED STATES OF AMERICA, ) No. CR 08-0828-MHP  
18 Plaintiff, )  
19 v. )  
20 ALEX CHEUCK KIN YAN, )  
21 Defendant. )  
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**STIPULATION AND  
PROPOSED ORDER TO EXCLUDE  
TIME**

29 The parties in the above-titled case appeared before the Court for a status conference on  
30 December 8, 2008. For the following reasons and the reasons set forth in open court, the parties  
31 agree and stipulate that time is properly excluded under the Speedy Trial Act, Title 18, United  
32 States Code, Sections 3161(h)(8)(A) and (h)(B)(iv) from December 8, 2008 to January 5, 2009.  
33 The parties agree that the continuance from December 8, 2008 to January 5, 2009 is necessary  
34 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), to allow defense counsel reasonable time for  
35 effective preparation for the above-titled case. Defense attorney needs the time to review  
36 discovery, investigate the case, and speak with the defendant. The parties agree that the ends of  
37 justice are served by granting the requested short continuance, and the requested continuance  
38 outweighs the best interest of the public and the defendant in a speedy trial, taking into account

1 the exercise of due diligence.

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3 DATED: December 17, 2008

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7 /s/  
CHRISTINA HUA  
Assistant United States Attorney

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9 DATED: December 18, 2008

10 /s/  
RITA BOSWORTH  
Counsel for Alex Cheuck Kin Yan

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ORDER

For the foregoing reasons, the Court HEREBY ORDERS that the period between December 8, 2008 to January 5, 2009 be excluded from the speedy trial calculation under Title 18, United States Code, Sections 3161(h)(8)(A) and (h)(B)(iv). The Court finds that the failure to grant the requested continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, particularly given that defense counsel requires time to review discovery, meet with the defendant, and investigate the case. The Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases.

IT IS SO ORDERED.

DATED: 12/22/2008

